

**TOWNSHIP TRUSTEES' BULLETIN
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ITEMS TO REMEMBER

Please see Volume 240.

JUNE

- June 1: On or before June 1 and December 1 of each year (or more frequently if the county legislative body adopts an ordinance requiring additional certifications) the township shall certify a list of the names and addresses of each person who has money due from the township to the county treasurer. (IC 6-1.1-22-14).
- June 20: If a school township has become a part of a school corporation organized under chapter 202, Acts 1959, as amended, and if the reorganized school unit is obligated for civil aid bond retirement, the trustee will receive from the school corporation an amount of money sufficient to pay civil aid bonds and coupons coming due July 1. (IC 20-4-1-35)
- June: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

JULY

- July 1: Last day for the trustees who pay their poor relief directly to supply the county auditor with Township Trustees' Quarterly Poor Relief Report of Actual and Estimated Receipts and Disbursements (Township PR Form 8, 1993) as discussed in Township Trustees' Bulletin, Vol. 223, November 1993.
- July 4: Independence Day - Legal Holiday (IC 1-1-9-1)
- July 13: Last day for dog tax distribution by Auditor of State. The county auditor makes distribution to townships having reported unpaid claims. (Second Monday in July) (IC 15-5-9-11)
- July 15: Last day to make pension report and payment for first quarter by townships participating in PERF.
- July 31: Last day to file quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the second quarter.
- July 31: Last day to make report for second quarter to the Department of Workforce Development.
- July: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

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AUGUST

- August 3: On the first Monday of each August the trustee shall post, in a conspicuous place near his office, a verified statement showing the indebtedness of the township in detail and giving the number and total amount of outstanding orders, warrants and accounts. (IC 36-6-4-10)
- August 31: Last day for first publication of township budget (10 days prior to the public hearing). (IC 6-1.1-17-3)
- NOTE: See the Township Trustees' Bulletin, Volume 242, August 1998 for new budget dates or call the State Board of Tax Commissioners at (317) 232-3773.
- NOTE: The township board should set the salaries of township officials and employees except assessing officials and employees, in conjunction with the preparation and completion of the township budget. (Use Township Form 17)
- August: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

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NEW LAWS AFFECTING TOWNSHIPS

The following is a digest of some of the laws passed by the 1998 Regular Session of the General Assembly affecting townships. Please note the effective dates. Some of the laws do not pertain directly to townships but are included in the digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretation. Nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form (Amends IC 12-20-9-6) (Amends Indiana Code, Title 12, Article 20, Chapter 9, Section 6).

PUBLIC LAW 1 - HOUSE ENROLLED ACT 1011. EFFECTIVE JULY 1, 1998. VOLUNTEER FIRE DEPARTMENT SERVICE CHARGES. Amends IC 36-8-12-16 to provide if at least twenty-five percent (25%) of the money received by volunteer fire department for providing fire protection and emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

Recodifies Title 34.

PUBLIC LAW 2 - SENATE ENROLLED ACT 101. EFFECTIVE VARIOUS DATES. TECHNICAL CORRECTIONS. Amends various sections in Indiana Code to provide technical corrections including IC 6-1.1 concerning assessing.

PUBLIC LAW 4 - HOUSE ENROLLED ACT 1008. EFFECTIVE JULY 1, 1998. JURY DUTY. Amends and adds to IC 33-4 concerning qualifications and service on various juries.

PUBLIC LAW 7 - HOUSE ENROLLED ACT 1139. EFFECTIVE JULY 1, 1998. PUBLIC PURCHASES LAW. Amends IC 5-22-8-1. Provides the chapter applies only to a purchase expected by the purchasing agent to be less than seventy-five thousand dollars (\$75,000).

Also amends IC 5-22-8-2 concerning small purchase policies to provide that the section only applies if the purchasing agent expects the purchase to be less than twenty-five thousand dollars (\$25,000).

Adds IC 5-22-8-3 to provide "(a) This section applies only if the purchasing agent expects the purchase to be:

- (1) at least twenty-five thousand dollars (\$25,000); and
- (2) not more than seventy-five thousand dollars (\$75,000).
- (b) A purchasing agent may purchase supplies under this section by inviting quotes from at least three
- (3) persons known to deal in the lines or classes of supplies to be purchased.
- (c) The purchasing agent shall mail an invitation to quote to the persons described in subsection (b) at least seven (7) days before the time fixed for receiving quotes.
- (d) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line of class of supplies required.
- (e) The purchasing agent may reject all quotes.

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(f) If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies under IC 5-22-10-10."

IC 5-22-10-19 is added to provide "A purchasing agent may make a special purchase from a public utility if the purchase or lease price is a negotiated price that considers the results of an independent appraisal that the purchasing agency obtains and an independent appraisal that the public utility obtains."

Adds IC 5-22-17-12 to provide "(a) A solicitation may provide that offers will be received and contracts will be awarded separately or for any combination of a line or a class of supplies or services contained in the solicitation.

(b) If the solicitation does not indicate how separate contracts might be awarded, the purchasing agent may award separate contracts to different offerors under this section only if the purchasing agent makes a written determination showing that the award of separate contracts is in the interest of efficiency or economy.

(c) If the purchasing agent awards a contract for a line or class of supplies or services, or any combination of lines or classes, to an offeror other than the lowest offeror, the purchasing agent must make a written determination stating the reasons for awarding a contract to that offeror."

Adds IC 5-22-17-13 to provide "A solicitation may provide that the purchasing agent will award a contract for supplies or services for an unspecified number of items at a fixed price per unit. Such a contract may include a formula or a method for escalation of the unit price."

Adds IC 5-22-18-5(b) to provide "within thirty (30) days after the acceptance of an offer, the purchasing agent shall deliver in person or by first class mail to the successful offeror the original of each purchase order or lease, retain a copy for the purchasing agent's records, and file a copy for public record and inspection as follows: ...

(2) When a purchase or lease is made for a township, the copy of the purchase order or lease must be filed with the fiscal officer of the county..."

Amends IC 5-22-22-8 to provide that for the purposes of IC 5-22-22-8 and IC 5-22-21-6(4)(B), property may be considered worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property.

Please review Public Law 49 of the Acts of 1997 for other changes effective July 1, 1998.

PUBLIC LAW 15 - HOUSE ENROLLED ACT 1245. EFFECTIVE MARCH 6, 1998 AND AUGUST 5, 1996 (RETROACTIVE). DEFERRED COMPENSATION. Amends IC 5-10-1.1 concerning deferred compensation plans and for the creation of a Deferred Compensation Committee. IC 5-10-1.1-1(l) now provides for insurance and investment products appropriate for a nonqualified deferred compensation plan.

PUBLIC LAW 20 - SENATE ENROLLED ACT 114. EFFECTIVE JULY 1, 1998. SMOKING IN PUBLIC BUILDINGS. Amends IC 16-41-37-4 concerning Class B infractions under certain circumstances for smoking in public buildings.

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PUBLIC LAW 21 - SENATE ENROLLED ACT 115. EFFECTIVE JULY 1, 1998. TOWNSHIP LIBRARIES. Amends IC 20-14-2-3 to provide that the legislative body of a township which is not already taxed for library purposes and that has a population of at least ten thousand (10,000) or an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000) may establish a public library for residents of that township. The establishment of a public library may be initiated by either the legislative body passing the resolution; or the filing of a petition by at least twenty percent (20%) of the registered voters with certain requirements.

Amends IC 20-14-2-8 concerning reduced fees for library cards.

Amends various sections of IC 20-14-5 and IC 20-14-5.1 concerning petition procedures.

PUBLIC LAW 22 - SENATE ENROLLED ACT 120. EFFECTIVE JULY 1, 1998. FIREFIGHTERS' RETIREMENT FUND. Amends various sections of IC 36-8-8 concerning retirement benefits for firefighters.

PUBLIC LAW 24 - SENATE ENROLLED ACT 171. EFFECTIVE MARCH 11, 1998. AUTOMATIC EXTERNAL DEFIBRILLATORS. Adds IC 16-31-6.5 concerning usage of automatic external defibrillators.

Amends IC 34-4-12-1.5 concerning liability and the usage of defibrillators.

PUBLIC LAW 30 - SENATE ENROLLED ACT 347. EFFECTIVE MARCH 11, 1998. EMERGENCY MANAGEMENT ASSISTANCE COMPACT. Adds IC 10-4-2.5 to create the Emergency Management Assistance Compact. Participating member States can provide mutual assistance in managing emergencies or disasters.

PUBLIC LAW 38 - HOUSE ENROLLED ACT 1002. EFFECTIVE JULY 1, 1998. ASSESSING. Amends IC 6-1.1 concerning consolidation of existing parcels in certain counties.

PUBLIC LAW 39 - HOUSE ENROLLED ACT 1015. EFFECTIVE JULY 1, 1998. MINIMUM WAGE. Amends IC 22-2-2-4 to change the rates for minimum pay under certain circumstances.

PUBLIC LAW 45 - HOUSE ENROLLED ACT 1072. EFFECTIVE JULY 1, 1998. PERF INCREASES. Adds IC 5-10.2-5-26 to provide increases plus post-retirement increases for PERF AND TERF.

PUBLIC LAW 47 - HOUSE ENROLLED ACT 1109. EFFECTIVE MARCH 11, 1998 AND JULY 1, 1998. DEBT. Amends IC 5-1-1-1 concerning legalization and validity of debt executed before March 15, 1998.

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PUBLIC LAW 50 - HOUSE ENROLLED ACT 1177. EFFECTIVE JULY 1, 1998. FIRE FIGHTING BORROWING. Amends IC 36-6-6-14 to provide that notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township fire-fighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expense of a township fire department or volunteer fire department.

Amends IC 36-8-10.5-6 to provide a volunteer fire fighter who has successfully completed the minimum basic training requirements established by the chapter may be elected or appointed to membership to more than one (1) volunteer fire company.

Amends IC 36-8-12-13 to provide a volunteer fire company may impose a charge on the owner of property or a responsible party (as defined in IC 13-11-2-191(d)) that is involved in hazardous material or fuel spill or chemical or hazardous material related fire. (as defined in IC 13-11-2-96(b)). Also provides the owner or responsible party shall remit payment directly to the governmental unit providing the service.

Also amends IC 36-8-12-16 concerning a volunteer fire company collecting a service charge according to the established schedule from the owner of property that receives service if the company gives notice under IC 5-3-1-4(d) in each political subdivision served by the company. Other requirements also exist.

PUBLIC LAW 62 - SENATE ENROLLED ACT 152. EFFECTIVE JULY 1, 1998. STATE POLICE EMPLOYEES. Amends IC 10-1-1-4 to allow State Police Employees to serve in a part-time local elected office and remain a State Police Employee.

PUBLIC LAW 63 - SENATE ENROLLED ACT 158. EFFECTIVE JULY 1, 1998. UNDERGROUND STORAGE TANK GUARANTY FUND. Amends IC 13-23-10-1 and adds IC 13-23-10-10 concerning grants funds available to assist in the closure or removal of underground storage tanks.

PUBLIC LAW 68 - SENATE ENROLLED ACT 348. EFFECTIVE JULY 1, 1998. GHOST EMPLOYMENT. Amends IC 35-44-2-4 to add section (f) to provide "For the purposes of this section, an employee of a governmental entity who voluntarily performs services:

- (1) that do not:
 - (A) promote religion;
 - (B) attempt to influence legislation or governmental policies; or
 - (C) attempt to influence elections to public office;
- (2) for the benefit of:
 - (A) other governmental entities; or
 - (B) an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code;
- (3) with the approval of the employee's supervisor;
- (4) in compliance with policy or regulation that:
 - (A) is in writing;
 - (B) is issued by the executive officer of the governmental entity; and
 - (C) contains a limitation on the total time during a calendar year that the employee may spend performing the services during normal hours of employment;

is considered to be performing duties related to the operation of the governmental entity.

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PUBLIC LAW 79 - HOUSE ENROLLED ACT 1185. EFFECTIVE JULY 1, 1998. DEPOSIT DOCUMENTS. Amends IC 5-15-6-3 to provide "original records" includes the optical image of a check or deposit document when the check or deposit document is recorded, copied, or reproduced by an optical imaging process described in subsection (e); and the drawer of the check receives an optical image of the check after the check is processed for payment or the depositor receives an optical image of the deposit document after the document has been processed for the deposit.

Also amends IC 5-13-4-10(3) and (4) to define a savings association and a federally chartered savings association as a "financial institution."

PUBLIC LAW 83 - HOUSE ENROLLED ACT 1210. EFFECTIVE JULY 1, 1998. FIRE TRUCKS AND EMERGENCY SERVICE VEHICLES. Adds IC 5-22-22-12 to provide a governmental body may transfer title of surplus property to a volunteer fire company for the volunteer fire company's use in providing fire protection or emergency services.

A volunteer fire company located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property refused by the volunteer fire company located in the same county as the governmental body may be transferred to any volunteer fire company in Indiana.

A governmental body may transfer title of surplus property to a volunteer fire company by:

- (1) sale;
- (2) gift; or
- (3) another arrangement acceptable to the governing body and the volunteer fire company.

Adds IC 36-8-11-26 concerning fire districts and purchases.

Amends IC 36-8-13-5 (Applies only to purchases that occur after June 30, 1998.) concerning township purchases of fire fighting apparatus and equipment on an installment conditional sale or mortgage contract running for a period not exceeding:

- (1) six (6) years; or
- (2) fifteen (15) years for a township that:
 - (A) has a totaled assessed value of twenty million dollars (\$20,000,000) (or less) as determined by the state board of tax commissioners; and
 - (B) is purchasing the fire fighting equipment with funding from the (i) state or its instrumentalities; or (ii) federal government or its instrumentalities.

Adds IC 36-8-19-8.7 concerning purchases by fire protection territories.

PUBLIC LAW 86 - HOUSE ENROLLED ACT 1229. EFFECTIVE JULY 1, 1998. ADVERSE POSSESSION. Amends IC 32-1-20-2 to provide the title to real property owned by the political subdivision (as defined in IC 36-1-2-13) may not be alienated by adverse possession. Also adds section 2 to provide a cause of action based on adverse possession may not be commenced against the political subdivision (as defined by IC 36-1-2-13) after June 30, 1998.

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PUBLIC LAW 93 - HOUSE ENROLLED ACT 1338. EFFECTIVE JULY 1, 1998. WASTE TIRES. Amends and adds to several chapters and sections of IC 13 concerning waste tire storage and disposal.

PUBLIC LAW 98 - SENATE ENROLLED ACT 150. EFFECTIVE MARCH 13, 1998. EMERGENCY WIRELESS 9-1-1 SYSTEM. Non code section creating a 9-1-1 advisory board providing for an emergency wireless 9-1-1 system.

PUBLIC LAW 99 - SENATE ENROLLED ACT 159. EFFECTIVE JULY 1, 1998. WEED ERADICATION. Amends IC 15-3-4-2 concerning notices to destroy detrimental plants.

Also adds IC 15-3-4-2(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

IC 15-3-4-2(d) is amended to provide notice by mail or, using certified mail; or by personal service.

Amends IC 15-3-4.6-2 to add item (4) Shattercane (*Sorghum bicolor* (L.) Moench spp. *drummondii* (Steud.) deWet.)

Amends IC 15-3-4.6-5 to provide item (c) The weed control board shall notify the township trustee when the board has sent notice to a person to remove noxious weeds growing on real estate in the township.

Adds IC 15-3-4.6-5.4 concerning procedures for the weed control board.

PUBLIC LAW 103 - SENATE ENROLLED ACT 224. EFFECTIVE JULY 1, 1998. POLITICAL SUBDIVISION RISK MANAGEMENT FUND. Adds IC 27-1-29-28 to provide that under certain circumstances the Commission may prevent a political subdivision that is not already a member from becoming a member or declining to renew membership of political subdivisions that are members of the fund.

PUBLIC LAW 114 - HOUSE ENROLLED ACT 1021. EFFECTIVE JULY 1, 1998. COMMON LAW LEINS. Amends IC 32-8-39 to provide no common law lein exists against property of a public official for the nonperformance or performance of a public official's official duty.

PUBLIC LAW 119 - HOUSE ENROLLED ACT 1157. EFFECTIVE VARIOUS DATES. CAGIT. Adds to IC 3-5-1.1 to provide for CAGIT under certain circumstances in Pulaski and Jackson Counties.

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PUBLIC LAW 129 - SENATE ENROLLED ACT 296. EFFECTIVE MARCH 11, 1998. RIVERBOAT FUND. Defines unit as the meaning set forth in IC 36-1-2-23. A fund that was established by a unit before July 1, 1997; and would have been considered a riverboat fund for purposes of IC 36-1-8-9 if IC 36-1-8-9 had been in effect before July 1, 1997; is legalized and validated. Item (c) provides a fund as described in subsection (b) is considered a riverboat fund for purposes of IC 36-1-8-9.